

DF

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
THE ANNUITY, PENSION, WELFARE and TRAINING  
FUNDS of the INTERNATIONAL UNION OF OPERATING  
ENGINEERS, LOCAL 14-14B, AFL-CIO by its TRUSTEES  
EDWIN L. CHRISTIAN, CHRIS CONFREY, JOHN CRONIN,  
FRANCIS P. DIMENNA, ALFRED GEROSA, JOHN HYERS,  
DANIEL NOESGES and JOHN F. O'HARE, and JOHN and  
JANE DOE, as Beneficiaries of the ANNUITY, PENSION,  
WELFARE and TRAINING FUNDS of the INTERNATIONAL  
UNION OF OPERATING ENGINEERS, LOCAL 14-14B,  
AFL-CIO.

**STIPULATION OF  
DISCONTINUANCE  
WITHOUT PREJUDICE**

CV-05-4142 (ARR)(JMA)

Plaintiffs,

-against-

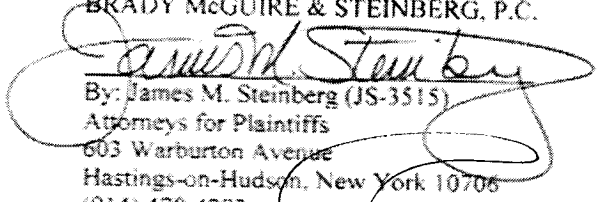
BRIAR CONSTRUCTION CORP. and HELEN CUMMINGS,  
individually.

Defendants.  
-----X

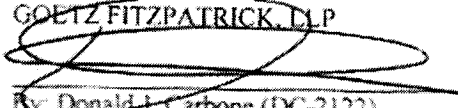
IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, the attorneys of record for the parties to the above-entitled action, that whereas no party is an infant, incompetent person for whom a committee has been appointed and no person not a party has an interest in the subject matter of the action, the above-entitled action be, and the same hereby is discontinued without prejudice as against Defendants BRIAR CONSTRUCTION CORP. and HELEN CUMMINGS and without costs to either parties as against the others. This Stipulation may be filed without further notice with the Clerk of the Court.

Dated: Hastings-on-Hudson, New York  
June 2, 2006

BRADY MCGUIRE & STEINBERG, P.C.

  
By: James M. Steinberg (JS-3515)  
Attorneys for Plaintiffs  
603 Warburton Avenue  
Hastings-on-Hudson, New York 10706  
(914) 478-4293  
So Ordered:

GOETZ FITZPATRICK, LLP

  
By: Donald J. Carbone (DC-2122)  
Attorneys for Defendants  
One Penn Plaza, Suite 4401  
New York, New York 10119  
(212) 695-8100

  
The Honorable Allyne R. Ross, U.S.D.J.

6/13/06